

Directive 502.01 Victims Rights To Release Notification

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Directive: 502.01

Subject: Victims Rights To Release Notification
Effective Date: November 1, 1997 **Review and Re-Issue Date:**
Supersedes: 3/13/89 **APA Rule Number:**
319

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

1.1. Policy 428, Victim Services, VSA Title 28, Chapter 5, section 507, VSA Title 13, Chapter 165.

2. Purpose:

2.1. To establish a process to ensure that the Department of Corrections meets its statutory obligation to notify the victims of crime or their families when the offender who victimized them is released from Department custody, when the offender who victimized them is scheduled to appear before the parole board and to give victims of listed crimes information about how the probationer who victimized them is generally complying with the conditions of his/her probation.

3. Applicability/Accessibility

3.1. This directive describes the Department's responsibility to provide information to victims of crime about a variety of rights they have for release notification, attendance at court and parole board hearings and rights to information about the general compliance of probationers with conditions of probation. Anyone may have a copy of this directive.

4. Directive

4.1. RELEASE NOTIFICATION

4.1.1 Correctional facilities, upon proper request, are required in VSA Title 13, subsection 5305, to notify the victim of the release or escape of a named inmate. It is the victim's responsibility to request notification (VSA Title 13, subsection 5305).

4.1.2 For the purposes of VSA Title 13, subsection 5305, "release from custody" means:

Directive 502.01 Victims Rights To Release Notification

- 4.1.2.1** Escape from custody (facility or furlough).
 - 4.1.2.2** Recapture of an escaped offender.
 - 4.1.2.3** Release on bail directly from a correctional center either by the posting of bail at the correctional center or the presenting of a court order for release to the correctional center.
 - 4.1.2.4** Release upon completion of maximum sentence term or if the sentence is commuted.
 - 4.1.2.5** Release upon completion of split sentence prior to placement on probation.
 - 4.1.2.6** Release to the community supervision. These include day passes, work search, work release and extended furlough.
 - 4.1.2.7** Release on parole.
 - 4.1.2.8** Transfer to a Federal court jurisdiction or jurisdiction in another state or Federal court, pursuant to a detainer.
 - 4.1.2.9** Death of an offender.
 - 4.1.2.10** Pardon of an offender by the Governor.
- 4.1.3** The Superintendent of each correctional facility will develop procedures to be sure that when a facility receives (either through the mail or delivered by a law enforcement officer at the time of arrest) a form entitled "Request for Notification for Victims & Affected Persons," 428.01- A, which has been filled out by a victim, appropriate staff will:
 - 4.1.3.1** Place the form on the top of section two of the case file.
 - 4.1.3.2** Tag the identified offender's name on the computerized "headcount" to indicate that the victim has requested notification.
 - 4.1.3.3** Tag the case file itself with a colored sticker or other identification mark so that the file can be identified as one containing case information about an offender that requires notification to the victim upon his/her release.
- 4.1.4** Superintendents of Community Corrections Service Centers and Managers/Supervisors of Court and Reparative Service Units will develop procedures in their offices which ensures that victims who have requested release notification in accordance with the statute are notified of changes in offender status as outlined in this directive that applies to offenders in the field. These include:

Directive 502.01 Victims Rights To Release Notification

escape from furlough, death of an offender, pardon by the Governor, commutation of an offender's sentence and recapture of an escaped furlougee.

4.2. REQUEST FOR NOTIFICATION

- 4.2.1** Because it is the responsibility of the victims' advocates and relevant police agencies to inform victims of their rights to notification and assist them in filling out the Request for Notification form, most requests for notification will come through the victim's advocate and the relevant police agencies.
- 4.2.2** However, Superintendents of correctional facilities, Community Correctional Services Centers and CRSU Supervisors/Managers will establish procedures to assist victims who call the facility requesting notification of release. At a minimum, the local procedure will require appropriate staff to interview the victim and fill out a form 428.01-A, Request for Notification for Victims & Affected Persons. The same procedure for placing the notification in the file as listed in the prior section will be used. In addition, the procedure will ensure that victims are referred to the appropriate victim's advocate so they can learn about all the rights they have as a victim.

4.3. LOCAL DOCUMENTATION

- 4.3.1** When a completed Request for Notification for Victims & Affected Persons is received at the facility or a form is filled out by staff through verbal communication with a victim, victim's advocate or police officer, it shall be placed in the inmate's file where it shall be maintained on top of section two. A sticker shall be affixed to the offenders file so that a person picking up the file shall know that there is a release notification to occur.

A notation shall also be made on the facility headcount indicating a specific notification has

4.4. NOTIFICATION PROCESS

- 4.4.1** Unless waived by the Director of Correctional Services, release notifications must occur, at a minimum, one week prior to plan releases. Release notification will be made to:
- 4.4.1.1** Victim's Advocate - The victim's advocate in the county where the crime was committed will be notified by sending the State's Attorney's office their copy of form 428.01-B, Release Notification for Victims & Affected Persons. This notification occurs on will releases, not just those where the victim has requested notification.
- 4.4.1.2** Victim - When a victim has requested notification pursuant to this directive to the Department, the victim will be sent a their copy of form 428.01-B. Additionally, the victim will be given the name of a contact in the event of questions, i.e., Corrections Services Specialist. Release notification will be sent by registered mail, return receipt

Directive 502.01 Victims Rights To Release Notification

requested. When the offender is scheduled for a series of furloughs to be followed by full-time placement in the community, the victim will be notified via form 428.01-B before the initial furlough. Victims who respond to the notification will be given an opportunity to present concerns and suggestions regarding the planned release. An official DOC response will be provided to the victim describing DOC decisions regarding those suggestions and concerns. If the notification is to be made to a victim as a result of an escape, 428.01-B will be sent by registered mail, return receipt requested. Additionally, a telephone contact will be attempted (document all telephone contacts and/or attempts to make contact by telephone).

4.5. INABILITY TO REACH VICTIM

- 4.5.1** If attempts to reach the victim by telephone are unsuccessful in cases of escape, emergency notification of release on bail or early release, the correctional center shall make telephone contact with either the victim advocate (during regular business hours), the arresting officer or the police department having jurisdiction where the victim resides. Correctional center staff should inform the victim advocate or police department of the victim's request to be notified of the offender's release to request assistance in notifying the victim.

4.6. VICTIM ATTENDANCE AT PAROLE BOARD HEARINGS/REVIEWS

- 4.6.1** Victims, upon request, will be notified by letter 30 days in advance of any scheduled Parole Board hearings/reviews on parole. The letter must provide the victim with the following information:

4.6.1.1 They have a right to appear and testify at the parole board hearing;

4.6.1.2 They have a right to submit a written statement for the parole board to consider; and

4.6.1.3 They have a right to be informed promptly about the parole board's decision.

- 4.6.2** Superintendents of correctional facilities and CCSCs and Supervisors/Managers of CRSUs shall establish procedures in their sites to ensure that crime victims or family members will receive notification of the time, date and place of the parole board hearing scheduled for the offender(s) who victimized them. The procedure will require that the victim is notified at least 30 days prior to the scheduled hearing. The procedure will also require that the victim be notified that they can submit a written statement for the parole board to consider at the time of the hearing.

- 4.7.** Facility or CCSC Superintendents and CRSU Supervisors/Managers shall establish procedures to ensure that victims who request it will be notified promptly of the parole board's decision regarding the offender who victimized them. Appendix B contains a suggested form letter for notification.

Directive 502.01 Victims Rights To Release Notification

4.8. NOTIFYING VICTIMS OF LISTED CRIMES OF A PROBATIONER'S GENERAL COMPLIANCE WITH CONDITIONS OF PROBATION

4.8.1 Superintendents of Community Correctional Service Centers and Supervisors/Managers of Court and Reparative Service Units will develop local procedures that ensures victims of listed crimes, who request it, receive information about the offender's general compliance with the conditions of probation. The local procedures will ensure that confidential information obtained about the offender in treatment programs will not be shared with the victim.

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

8. References

9. Responsible Director and Draft Participants